



IFW

PATENT  
Customer No. 22,852  
Attorney Docket No. 7528.0002-15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Cyril J. SCHWEICH, Jr. et al. ) Group Art Unit: 3762  
)  
Application No.: 10/073,968 ) Examiner: G. Evanisko  
)  
Filed: February 14, 2002 )  
)  
For: HEART WALL TENSION ) Confirmation No.: 8329  
REDUCTION APPARATUS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS**

In a restriction and election requirement dated November 22, 2006, the Examiner required restriction under 35 U.S.C. § 121 between the following allegedly distinct claim groups: (I) claims 15-62 and 66-79; and (II) claims 63-65. In addition, the Examiner required election between the allegedly patentably distinct species of Figures 1-6.

Applicants do not necessarily agree with the Examiner's characterizations concerning the claims and various exemplary embodiments, and Applicants reserve the right to argue the distinctness of lack of distinctness of the claims and embodiments in this case or in a case claiming priority to this case.


To expedite prosecution, Applicants nonetheless provisionally elect to prosecute Group I, claims 15-62 and 66-79, and Figure 6, with traverse. The claims of Group I that are readable on Figure 6 include at least claims 34-55 and 57-60.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 18, 2006

By:   
\_\_\_\_\_  
Leslie I. Bookoff  
Reg. No. 38,084